

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JAN 21 2022

BY
DEPUTY

Justin Keith Bryant

)

vs

)

Civil Action No. 6:21cv487

Sheriff, Smith County

)

Larry R. Smith

ANSWER/RESPONSE TO ORDER TO SHOW CAUSE
(re jurisdiction re Petition Habeas Corpus)

Comes now, Leah Bryant-Barnes, presenting affirmation and evidence to this Honorable Court of my 'standing' to file Writ of Habeas Corpus on behalf of Justin Keith Bryant, in order to meet the 'Whitmore test' (based upon *Whitmore v Arkansas*, 495 U.S. 149, 162-163 (1990) as well as *Aguilar v Bragg* in compliance with 28 U.S.C.)(2242 requirement.. My Writ of Habeas Corpus was NOT filed simply based upon Justin's restraint/detainment in jail *nor from* any lack of competency. Justin is alert, intelligent, and he has been *very clear* all along in his self-representation, pro se or sui juris representations in Court. He is and has been very articulate in verbalizing the Right's violations against him.

The Writ of Habeas was filed because I have watched Justin Keith Bryant have his Constitutionally Protected Rights violated by actors of Smith County Judicial System, Courthouse, staff, representatives and Smith County Jail Officials and staff for a period of years now in relation to a lawsuit that was brought against him by a former Courthouse staffer who brought a case with "dirty hands". These rights violations have now escalated to the point of having Judicial Officers, prejudiced and bias, over-reach their authority with confusing, excessive, unlawful orders and denial of public access to zoom hearings.. Opposing attorney and/or paralegal client have changed court (government) documents and forged signatures within this case. A sub-standard (by several years) Jail System of Smith County has forced Justin to lie in his own urine, feces, and vomit suffering from kidney stones while in jail and then not allowed to change his clothing for as long as five (5) days. The fear for his life has *become a reality* for myself and his other friends and family and fling a Writ was a NECESSARY due to Justin's inaccessibility to the Courts.

The "Habeas Corpus indeed should provide the added assurance for a free society that no innocent man suffers UNCONSTITUTIONAL (*italics added*) loss of liberty". *Schneekloth v Bustamante*, 412 U.S. 218 (1973).

The Writ of Habeas Corpus I filed was requested -by Justin as a cry for relief against the UNCONSTITUTIONAL Acts that occurred and continue to occur at State Court levels such acts (such as contempt rulings without proper Due Process) that are violations of clearly established law such as Hicks v. Feiok:: 485 US 624 (1988) and also United Mineworkers v. Bagwell:: 512 US 821 (1994), as precedent cases. Rights violations have now carried over to the Smith County jail, therefore under direction and control of the Sheriff.

I, a person who has the greatest of ALL interests in Justin Keith Bryant's welfare and happiness, bring this Writ of Habeas Corpus to this Court based upon my prior relationship with Justin, as his mother, his greatest and his most natural advocate, and as a concerned individual who has witnessed many wrongs to his *very person*. I also am one who *reveres* the Constitution of the United States and the protections it offers. I am one who has seen a perversion of that Great Document within the Court proceedings of Smith County and in its co-institution, Smith County Jail.

Justin is now being held for the *third (3rd)* time, unlawfully, on contempt allegations, witnesses and evidence denied, for a **Civil** Case with confinement being broken up into periods *extending over 180 days* in total and the appearance of extreme and excessive further indications based upon an expired Interlocutory order resurrected on August 25, 2021. The latest of such restraint has been in "Change of Criminal Case" (exhibit 3) with *no such criminal case*, with intent to deprive him of his work (he held 2 jobs), with no indictment, no Jury upon unlawful 2017 Interlocutory Orders even though he requested such, attempted 'cover-up' or correction in 2019, and then 'resurrection' by a visiting Judge in hearing on August 25, 2021. ALL Judges creating such orders had or have NO Oaths of office on file in regard to the Great Constitution of the United States of America and no proof of such orders upon the call for proof of them by Justin Keith Bryant.

These Un-Constitutional Acts and behaviors have caused actual harm by way of deprivation of rights and property without proper Due Process upon orders that were/are not just Voidable, but VOID. These acts have caused Physical harm, pain, and possible damage by the passing of three (3) kidney stones with denial of medicines and care for periods of time while in jail. These acts now deprive him of his own voice and access to the Courts.

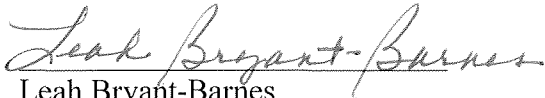
This Court has jurisdiction because Justin has made multiple attempts at his own filings from the jail (see attachments of exhibit 1) without mail labeled as 'legal mail' *even getting to this very Court* timely, if at all, as of January 14, 2022 when the response to accept Magistrate was mailed out December 30, 2021 (see Justin's own written account of his interactions with jail restraints, exhibit 1).

Lack of access and being deliberately ***impeded*** is the only exception to the exhaustion requirement as per Whitmore v. Arkansas, and he and I claim that if the paperwork or the ability to get mail or paperwork OUT of the Jail and INTO the proper Courts, then the ability of filing his own Writ of Habeas has been made UNAVAILABLE to him.

Lastly, and respectfully, I stand upon my medical and legal Powers of Attorney (exhibit 4) to be a spokesperson for Justin and come to you, not as a formally educated or bar card attorney, but as an *agent morally and legally duty-bound to do whatever is necessary and proper and to assist in the ability to claim his proper inalienable rights by way of the CONSTITUTION.*

I also stand upon another Supreme Court case, Cortes v Wendl, No. 06-17-00121-CV, in which an agent has express authority to take on *all actions* designated to that agent by the principal, particularly in dealing with my own flesh and blood, as well as violations of his rights, or in regard to mental, physical, and emotional harm by the State Court or of the Smith County Jail System, particularly to him, or in regards to fraudulent acts perpetrated upon him.

Humbly expressed this day, 21 of January 2022.



Leah Bryant-Barnes

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PO Box 4281
Palestine, TX 75802
903-216-0792

From: brnbm@aol.com,
To: brnbm@aol.com,
Subject: Fwd: Affidavit from Justin - slightly larger font
Date: Fri, Jan 21, 2022 5:11 am

-----Original Message-----

From: Leah Barnes <chileah2007@yahoo.com>
To: brnbm@aol.com; Leah Barnes <chileah2007@yahoo.com>; Laurie Fuller <laurie.fuller@hotmail.com>
→ **Sent:** Thu, Jan 20, 2022 9:50 pm
→ **Subject:** Fw: Affidavit from Justin

Sent from Yahoo Mail on Android

----- Forwarded Message -----

→ **From:** "Brandon Eldon Johnson" <bejohnson247@gmail.com>
To: "Leah Barnes" <chileah2007@yahoo.com>
Sent: Thu, Jan 20, 2022 at 9:34 PM
Subject: Affidavit from Justin

Brandon Johnson (bejohnson247@gmail.com)

115297: JUSTIN BRYANT

RE: Hey I turned off the..

1/17/2022 3:31:31 PM

Purchase a Gold Pass for JUSTIN BRYANT

[reference cause#15-5125D]

[reference CV487; cause#28:2254]

→ AFFADAVIT - STATEMENT OF FACTS

→ Comes now Justin-Keith: Bryant, a man, who states that the following information is of his own personal knowledge and belief. I am above the age of 18 and of sound mind.

Justin-Keith: Bryant is not the fictional addressee "JUSTIN KEITH BRYANT".

I, Justin, have been detained at the Smith County Jail located in Tyler, Texas since August 25, 2021 of what I consider to be unlawful. This action by men and/or women acting as Sheriffs Deputies stems from cause#15-5125D of the 321st District Court.

↓ A letter containing legal documents was mailed to me on December 20, 2021 from the United States District Court Eastern District of Texas located at 211 W. Ferguson St. Tyler, Texas 75702. Included in the letter of documents was a consent form for magistrate referral for a K NICOLE MITCHELL, magistrate judge. Upon me receiving these documents, I, Justin, signed the consent form and sealed it in a stamped envelope and handed it to a correctional officer/gaurd by the name of "Shrout", on December 30, 2021 at 11 :00am and asked it to be placed in the mail. Shrout took the envelope and that was the last I saw of it.

I have made multiple attempts through request forms to meet with an "Officer Edmonds" who, I was informed by a Sergeant Cayman, handled "court & notary services", dating all the way back

COUNTY AND DISTRICT COURTS
321st DISTRICT COURT
SMITH COUNTY, TEXAS

FILED
PENNY CLARKSTON
DISTRICT CLERK

21 AUG 26 AM 10:54

SMITH COUNTY, TEXAS

THE STATE OF TEXAS

VS

Justin Bryant

NO:

15-5125-127

INFO/INDT DATE:

DEPUTY

LOC (BOND - JAIL)

CHANGE IN STATUS IN CRIMINAL CASE

The status of the above styled case has been changed as follows:

1. OFFENSE CHARGED: Motion to Revoke (Conditions of Release)
2. DATE OF OFFENSE: _____
3. DATE OF ARREST: 8/25/21 Hearing
4. METHOD OF DISPOSITION - DISMISSED - GUILTY PLEA - ARRAIGNMENT:
JURY TRIAL (GUILTY - NOT GUILTY)
5. DEFENDENT FOUND GUILTY OF Nonpayment of Child Support
6. PUNISHMENT ASSESSED: Revoked 161 days

TDCJ FINE

PRO JAIL ☒
7. SENTENCE TO BEGIN Today 8-25-2021
8. CREDIT FOR TIME SERVED _____
9. FINE & COSTS
FINES \$ _____ DUE - PD _____
COSTS \$ _____ DUE - PD _____
10. COMMITMENT ISSUED Revoked 161 days
11. MISC.
To do 161 days in jail, day per day, as a conditional of probation.

AUG 25 2021

PAUL BANNER
Senior Judge Presiding by
Assignment

Paul Banner

DATE

JUDGE OR AUTHORIZED AGENT

Exhibit 2